

GA-03.03, "Inmate Drug Testing/Screening Program," February 1, 2005

SCDC POLICY/PROCEDURE

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TITLE: INMATE DRUG TESTING/ SCREENING PROGRAM

ISSUE DATE: February 1, 2005

RESPONSIBLE AUTHORITY: INSPECTOR GENERAL

OPERATIONS MANUAL: GENERAL ADMINISTRATION

SUPERSEDES: GA-03.03 (June 1, 2004)

RELATED SCDC FORMS: 8-17, 19-29A, 19-69, 19-79

ACA/CAC STANDARDS: 3-ACRS-3D-05, 3-ACRS-4E-08-01, 3-ACRS-4F-12, 3-4268, 3-4292,

3-4344-1

STATE/FEDERAL STATUTES:

PURPOSE: To establish conditions and circumstances under which the South Carolina Department of Corrections (SCDC) will conduct drug testing of inmates.

POLICY STATEMENT: The South Carolina Department of Corrections is committed to a zero tolerance of drug use or possession by inmates. To further this commitment, the Agency will maintain a controlled substance testing, sanctioning, and intervention program designed to identify, prevent, and/or treat inmate drug abuse. All inmates under the jurisdiction of the SCDC will be subject to drug testing at any time, regardless of their gender, national origin, race, or religion. Drug testing will not be conducted for the purposes of harassing any inmate(s). (3-ACRS-4E-08-1, 3-ACRS-4F-12, 3-4292, 3-4344-1)

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### SPECIFIC PROCEDURES:

#### 1. GENERAL PROVISIONS:

1.1 The South Carolina Department of Corrections is committed to a policy of zero tolerance of inmate drug use and possession within the institutions.

1.2 Inmates under the jurisdiction of the Department of Corrections will be subject to drug testing at any time. Testing will not be used for harassment of inmates. This procedure will not discriminate on the basis of race, national origin, religion, gender, etc. (3-ACRS-3D-05, 3-4268, 3-4292, 3-4344-1)

2. CATEGORIES OF TESTING: The testing of all inmate urine specimens will be conducted at the SCDC institutions. Inmates will be tested in the following categories:

2.1 Random: Each month the SCDC will randomly test a percentage of the SCDC inmate population. The percentage will be established by the Inspector General at a rate of no less than 4.5% and no greater than 7.5%. Inmates will be selected via computer by the Division of Resource and Information Management, using the Offender Management System. Inmates must be in the SCDC for at least six (6) weeks in order to be tested as part of the random group. Institutions are prohibited from selecting inmates at random to subject to drug tests. (3-ACRS-4F-12)

2.2 Target Group: Each month those inmates who have tested positive, have been found in possession of controlled substances and/or other drug related contraband, or whose urine sample, submitted to an independent outside laboratory, has been certified as abnormal due to dilution or the addition of any foreign substance, will become members of the target group. This group will be tested at a time interval determined by the Inspector General. An inmate can be removed from the target group by continuing to test negative without dilution or the addition of foreign substances over a 12 month period. The inmate will then, once

again, be included in the random group database. (3-ACRS-4F-11, 3-4388-4)

**2.3 Addiction Treatment Units (ATU):** Inmates in ATUs will be subject to the SCDC random testing program as well as more frequent testing by the ATU staff on a random basis or as a result of reasonable suspicion. A percentage of the inmates enrolled in each ATU will be tested every month on a random basis in addition to and apart from the SCDC random testing program. Inmates who test positive on any random test or any test performed as a result of reasonable suspicion will be subject to appropriate disciplinary action pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." All inmates in ATU who are tested will be tested for THC/cocaine at a minimum.

**2.4 Work Release/Pre-Release:** Inmates tentatively approved for transfer to SCDC work release or pre-release institutions will be given a urinalysis drug test prior to assignment. A positive drug test will result in removal from consideration for transfer to these programs, and disciplinary action will be taken in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." Inmates assigned to SCDC institutions with work release and pre-release programs will be tested periodically based on a schedule to be determined by each institutional warden. They will also be subject to the SCDC random testing program. Inmates who test positive on any urinalysis drug test will be removed from SCDC institutions with work release or pre-release programs, and appropriate disciplinary action will be taken pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

**2.5 Youthful Offender Intensification Program (YOIP):** Inmates who are sentenced under the S.C. Youthful Offender Act and who are participants in the Youthful Offender Intensification Program will be given a urinalysis drug test prior to release from the SCDC. They will also be subject to the SCDC random testing program. A positive drug test will result in failure from that phase of the program. Disciplinary action will be taken pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," and may result in an extension of the inmates sentence. See SCDC Policy/Procedure PS-10.09, "Youthful Offender Intensification Program," for additional information. All inmates in the YOIP who are tested will be tested for THC/cocaine at a minimum.

**2.6 Reception and Evaluation Direct Assignment to a Designated Facility or Pre-Release or Work Release Center:** Inmates who are assigned from a SCDC Reception and Evaluation Center directly to designated facilities and work release programs will be tested 60 days after assignment to these facilities on a schedule to be determined by the Division of Compliance, Standards, and Inspections (for designated facilities) and the Inspector General, (for pre-release and work release centers) respectively. They will also be subject to the SCDC random testing program. A positive drug test will result in transfer to a more secure institution, and appropriate disciplinary action will be taken pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

**2.7 Designated Facilities (DF):** Inmates assigned to designated facilities will be periodically given a urinalysis drug test based on a schedule to be determined by the Division of Compliance, Standards, and Inspections. They will also be subject to the SCDC random testing program. A positive drug test will result in a transfer from the designated facility to a SCDC institution, and appropriate disciplinary action will be

taken pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

2.8 Outside Labor Crews: Inmate labor crews assigned to any outside work details from any SCDC institution will be tested periodically based on a schedule to be determined by each institutional warden. They will also be subject to the SCDC random testing program. A positive drug test will result in the removal from the outside labor crew, and appropriate disciplinary action will be taken pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

2.9 Reasonable Suspicion: Any SCDC inmate may be given a urinalysis drug test when there is a reasonable suspicion that the inmate has been abusing drugs. Reasonable suspicion can result from the inmate being in possession of suspected illicit drugs or drug paraphernalia, staff receipt of reliable drug intelligence information (Note: Reliable drug intelligence information may be information from a confidential source who has a credible record of supplying information or information from an anonymous source that can be corroborated at least in part.), observation of the inmate using or being in possession of illicit drugs, unusual behavior by the inmate, or other tangible evidence. Inmates who have been tested for reasonable suspicion will continue to be subject to the SCDC random testing program. A positive drug test will result in appropriate disciplinary action being taken pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," and the inmate will be placed in the target group.

2.10 Focus Testing: At any time the Inspector General deems that the presence of drugs within a given institution is at an inflated level the Inspector General or designee may direct the Inmate Drug Testing Coordinator to proceed with Focus Testing. The Division of Resource and Information Management will produce additional random selection lists for the selected institution. All testing of selected inmates will be performed by certified Drug Testing Officers (DTO) at the institution and at a scheduled date and time selected by the institutional warden. Results will be reported on SCDC Form 8-17, "Inmate Drug Testing."

2.11 Workplace Accident: When an inmate is injured at his/her assigned workplace or is involved in any workplace accident, the inmate will be drug tested by an institutional DTO. Results will be reported on SCDC Form 8-17. The Form 8-17 will be sent to the Inmate Drug Testing Coordinator immediately.

2.12 Other: In cases where none of the above categories are appropriate (e.g., Get Smart, parole clearance check), the drug test will be categorized as "Other."

### 3. SCREENING:

3.1 All specimens will be screened for marijuana and cocaine at a minimum. The Inspector General or designee has the authority to test for any drug and may expand the types of drugs to be tested for at any time. (3-ACRS-4F-12)

3.2 Drug Testing Officers who work directly under the auspices of the Inspector General will be responsible for random and target group testing. These DTOs may also conduct testing in any of the other categories, as directed by the Inspector General. However, in general, institutional employees and/or

contract personnel trained as DTOs will conduct the following types of drug tests: ATU, work release/pre-release, Reception and Evaluation, YOIP, direct assignment, DF, and outside labor crews. Institutional DTOs may also conduct Reasonable Suspicion testing as needed. When necessitated by budget and/or operational restraints, the Inspector General may designate institutional DTOs to perform Random and Target drug tests. Inmates in any category who test positive will become a part of the target group and will then be tested by the DTOs from the Inspector General or institutional DTOs. Also, any inmate whose name appears on the random list will be tested by the DTOs regardless of status or location. The results of all drug tests performed by institutional DTOs must be recorded on SCDC Form 8-17, "Inmate Drug Testing," and submitted to the Inmate Drug Testing Coordinator, Inspector General.

#### 4. DRUG TESTING OFFICERS RESPONSIBILITIES:

4.1 The certified DTOs will ensure that the list of names of inmates to be tested is secured from other staff and inmates and that the institutional staff are not aware of when the testing will occur so that the inmates can not obtain this information and "schedule" their drug use. They will also make certain that the results of the drug tests are properly documented as per these procedures and sent to the Inmate Drug Testing Coordinator to be updated in the Offender Management System. They will ensure that positive results are properly and promptly communicated to the appropriate personnel at each institution, including the Hearing Officer, and the Inmate Drug Testing Coordinator, Inspector General. (3-ACRS-4F-12)

4.2 The DTOs will collect the specimens for testing, and will perform the tests using field drug kits. The drug testing will not be announced and will be randomly scheduled (different days of the month and at different times of the day). The DTOs will use field test kits which test for the presence of marijuana and cocaine at a minimum. The Inspector General or designee has the authority to test for any drug and may expand the types of drugs to be tested for at any time. Records of all prescription medications authorized for inmates will be made available to the DTOs by the institution upon request. (3-ACRS-4F-12)

#### 5. COLLECTION AND TESTING PROCEDURES:

(NOTE: If an inmate is a patient in Gilliam Psychiatric Hospital or is seriously ill, the DTO will consult with the Inspector General or designee and other appropriate authorities to make the determination of whether or not the inmate will be drug tested.)

5.1 The DTOs will be responsible for all documentation and chain-of-custody procedures for specimen collecting.

5.2 All testing of inmates will be done under employee observation, and in a manner that will ensure the integrity of the testing procedure.

5.3 The DTOs will be responsible for the issuing and collecting of the specimen containers and disposal of the specimens.

5.4 The drug testing will proceed as follows:

5.4.1 The collection area will be cleared of any items or substances that could be used to adulterate the specimen.

5.4.2 The inmate will be properly shaken down, to include the removal of any outer garments which might obstruct the DTO's field of vision or might be used to adulterate the specimen.

5.4.3 The inmate will be instructed to wash, rinse, and thoroughly dry his/her hands.

5.4.4 A sterile collection sample container will be utilized to collect a quantity of urine sufficient to conduct an accurate test. The inmate must provide a specimen of at least 30 milliliters.

5.4.5 A DTO of the inmates same sex will observe the voiding of the specimen. However, if a DTO of the inmate's same sex is not available, an SCDC officer or employee of the inmate's same sex may observe the voiding of the sample. In such cases, the certified DTO will give instructions to the employee regarding compliance to steps 5.4.1 through 5.4.4, above. The employee who observes the voiding will submit the sample to the DTO in the presence of the inmate and observe the testing of the sample. The employee who observes the voiding and the DTO who conducts the testing will both sign the SCDC Form 8-17 to attest to the results.

5.4.6 The DTO will open the field test kit and conduct the test in the presence of the inmate in accordance with the procedures developed by the manufacturer. (3-ACRS-4F-12)

5.5 To ensure quality results and consistency with procedures, if an inmate tests positive on both the initial and the second field test stick for the first time since s/he has been incarcerated, the SCDC will send that urine sample to an outside laboratory for testing. The urine samples of inmates who have previously tested positive will not be sent to an outside laboratory. Instead, a second field test stick will be used for confirmation of the positive test unless:

- the inmate acknowledges the use of drugs; or

- the inmate states to the DTO who is performing the test that s/he declines the second test.

NOTE: For any inmate having a positive urine sample for any drug, who admits to taking said drug prior to being given a confirmation test (field stick or lab test), this admission will be documented accordingly and noted as a positive drug test. No further confirmation tests of any kind will be required. (Amended by Change 1, dated September 18, 2014.)

#### 6. INMATE INABILITY OR REFUSAL TO PRODUCE A SPECIMEN:

6.1 Inmates who claim to be unable to produce a specimen will be placed under observation for a three (3) hour period or until they produce a specimen of at least 30 milliliters, whichever comes first. Inmates may be given no more than eight (8) ounces of water every 30 minutes during this three (3) hour observation period. During this three (3) hour observation period, if the inmate attempts to provide a urine sample and is unable to produce the required amount of urine (30 milliliters), the specimen will be discarded and the clock will continue to run during the inmate's three (3) hour observation period. If an inmate has been unable or unwilling to produce a specimen within the three (3) hour observation period, the DTO will contact medical staff at the facility to determine whether there is any documented history or condition which could affect the inmates ability to urinate as directed. The DTO will obtain a photocopy of all relevant documentation available and/or a written statement from medical staff, and will submit this information along with his/her report to the Inmate Drug Testing Coordinator, who will evaluate in context the circumstances of the refusal/inability to produce a specimen and will decide whether the inmate should be subject to disciplinary action.

6.2 Refusal/inability to produce a specimen of at least 30 milliliters after the three (3) hour observation period (absent a valid documented medical or psychological reason verified by an SCDC Medical authority) will result in appropriate disciplinary action for "Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs, Including Prescription Drugs, Alcohol, or Inhalants," in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." Sanctions will apply as if the inmate tested positive. (See Procedure 8., below.)

6.3 Switching, tampering with, and/or adulterating any specimen or sample collected under this policy/procedure for the purpose of testing for drugs, or attempting to switch, tamper with, or adulterate a specimen or sample, or to assist another inmate to do so, will be recorded as a refusal to drug test. This refusal will result in disciplinary action for "Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including Prescription Drugs, Alcohol, or Inhalants." A refusal to follow the directions of the DTO during the testing procedure or disruption of the testing area after a verbal reprimand by the DTO to cease disruptive behavior will result in the inmate being charged with refusal to take the test. This refusal will result in disciplinary action for "Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including Prescription Drugs, Alcohol, or Inhalants."

6.4 An inmate with a negative test result will still be subject to disciplinary action if there is behavioral or other evidence to warrant such disciplinary action in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

## 7. REPORTING OF RESULTS:

7.1 The DTO will inform the inmate of the test results when the inmate tests positive. In all categories of testing, a second field test will be used to confirm the results of the first positive drug test, unless the inmate acknowledges the use of drugs or states to the DTO performing the test that s/he declines the second test.

7.2 In all categories of drug testing, the DTO will consult with institutional medical department personnel to determine any possible cross-reactivity with any prescribed medication the inmate may be taking.

7.3 The DTO will maintain all documentation regarding the drug testing program and will ensure that the responsible Duty Warden is notified of all positive tests and refusals. (3-ACRS-4F-12)

7.4 When an inmate tests positive, the DTO will submit the information to the Inmate Drug Testing Coordinator, Inspector General. At this point, any inmate who tests positive will become part of the group of inmates who will be targeted for more frequent testing. If the inmate tests negative without dilution or the addition of foreign substances over a continuous 12 month period, s/he will be removed from the target group and placed in the random group. (3-4292)

7.5 Each month, the DTOs who work directly for the Inspector General will submit a minimal number of random and target tests to be confirmed via Gas Chromatography/Mass Spectrometry (GC/MS) by an independent, outside laboratory.

7.6 When an inmate tests positive, the institution officer/employee will complete SCDC Form 19-29A, "Incident Report." See SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," for information on the disciplinary process.

7.7 The DTOs will complete SCDC Form 8-17, "Inmate Drug Testing," for each inmate tested and will submit the forms to the Inmate Drug Testing Coordinator, Inspector General, monthly.

7.8 The results of all drug tests (to include positive, negative, and refusals) will be entered into the automated Offender Management Systems Drug Test Screen by staff from the Division of Security . The forms showing positive results, inmate refusals, and all outside lab results will be kept on file at the Division of Security for three (3) years.

## 8. RE-TESTING DUE TO CERTIFIED ABNORMAL LAB RESULTS:

8.1 Drug Testing Officers who are conducting random and target tests have the authority to submit a urine sample after field testing to an independent outside laboratory if there is a suspicion of dilution or the addition of foreign substances. All certified lab results are forwarded to the Inmate Drug Testing Coordinator by fax at completion of lab processing. Results are entered into the automated Offender Management System drug test screen as external test results and linked with the appropriate dated random or target field test results.



8.2 The following actions are to be taken once a lab result is received that denotes a sample has been certified as abnormal or abnormal due to dilution or the addition of foreign substances.

8.2.1 The Inmate Drug Testing Coordinator, utilizing the SCDC electronic messaging system, will notify the appropriate institutional Warden and Drug Testing Officer that a specified inmate(s) has tested abnormal or abnormal due to dilution or the addition of foreign substances and needs to be retested. 8.2.2 The institution will be responsible for testing the inmate within 48 hours of receipt of the message. The testing procedure will be performed at times which optimize testing procedures and results. The inmate will be tested by a Certified DTO for THC and cocaine at a minimum.

8.2.3 All test results (positive, negative, or refusal) will be recorded on an SCDC form 8-17 and will be faxed, within 72 hours of the receipt of the original request, to the Inmate Drug Testing Coordinator, Inspector General.

9. DISCIPLINARY SANCTIONS: Inmates convicted of the use or possession of narcotics, marijuana, or unauthorized drugs, including prescription drugs will be subject to the sanctions listed in SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." (NOTE: Marijuana can be present in urine for up to 30 days after use. Because of this, inmates who test positive for marijuana and are convicted under the Inmate Disciplinary System, will not be charged with a second disciplinary if they are tested within 30 days of the first test. However, inmates who have tested positive for marijuana will enter the targeted group for more testing. All drug test results will be submitted and documented in the Offender Management System as stated in Specific Procedure 7.8, above.)

10. SUBSTANCE ABUSE ASSESSMENT AND TREATMENT RESPONSE: On a weekly basis, the Offender Management System will generate an automated report that provides information on inmates who tested positive. This report will be used to refer the inmate for an assessment. The results of this assessment will be the basis for referring the inmate to existing SCDC drug education and/or treatment programs. There are four (4) phases in the SCDC for the substance abuse treatment program: (3-4292, 3-4344-1)

10.1 Screening: An objective self-report evaluation test will be given to every inmate as s/he processes through the SCDC Reception and Evaluation Center. The results of this evaluation test will be entered into the Offender Management System.

10.2 Assessment: The clinical correctional counselor or a substance abuse treatment provider will assess the inmate through a structured interview conducted with a specific set of questions. The results of this assessment will be the basis for referring the inmate to existing SCDC substance abuse education and/or treatment programs.

10.3 Placement: Inmates will be referred to treatment services within the SCDC. These may include, but are not limited to: educational classes, individual and/or group counseling, or therapeutic communities. It is the policy of the SCDC that inmates who are referred to treatment services are expected to participate. Substance abuse treatment services will be mandatory, and inmates will be required to attend assigned treatment programs or face disciplinary sanctions for refusing to do so. (3-4344-1)

10.3.1 Inmates who are selected for substance abuse treatment will be drug tested on an irregular basis to avoid advance knowledge of test dates. Treatment providers will stress the SCDC policy of zero tolerance for drug use. In addition, the treatment providers and institutional staff members assigned to treatment locations will direct inmates to be drug tested when the inmates exhibit signs of drug use through their appearance or behavior. (3-4344-1)

10.3.2 An inmate who tests positive on drug tests while in treatment will be assessed and case managed by a team consisting of the treatment provider, a member of the institutional classification committee (if the inmate must be moved to an institution with a more restrictive security level), and a representative from the Behavioral Medicine staff (as appropriate for issues of mental health) to determine the proper response to continued drug use. Responses can range from behavioral contracts with the inmate to increased frequency of treatment contacts, and/or more intensive treatment. (3-4344-1)

10.4 Relapse Prevention: During the final phase of a treatment plan, the inmate and the treatment provider will complete a continuing care plan which will focus on relapse prevention, aftercare activities during the inmates incarceration, and a community care plan for those inmates who will be released to the community.

11. POST-RELEASE TESTING: Testing of inmates will continue through post incarceration for probationers and parolees by agreement with the Department of Probation, Parole, and Pardon Services under that agency's drug testing program. (3-ACRS-4F-09, 3-4371, 3-4388-2)

## 12. DEFINITIONS:

Drug Testing Officers (DTOs) refers to individuals (security and non-security SCDC employees, or contract personnel) who are trained and certified by manufacturer(s) of the field test kits or the manufacturer's designated instructor(s) to administer drug tests.

Field Test Kit refers to the type of drug testing instrument that indicates immediate negative or positive results when testing urine specimens.

Random Group refers to the percentage of the inmate population randomly selected for drug testing via computer by the Division of Resource and Information Management using the Offender Management System database. Inmates must be in the SCDC for at least six (6) weeks in order to be tested as part of the random group.

Target Group refers to those inmates who have tested positive for drugs, have been found in possession of controlled substances and/or drug related contraband, or whose urine sample, submitted to an independent outside laboratory, has been certified as abnormal due to dilution or the addition of foreign substances. All inmates in this group will be tested at a time interval determined by the Inspector General. An inmate can be removed from the target group by continuing to test negative without dilution or the addition of foreign substances over a 12 month period. The inmate will then, once again, be included in the random group database.

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

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